

1998

The Immutability of Faith and the Necessity of Action

Randy Lee

Follow this and additional works at: <https://ir.lawnet.fordham.edu/flr>



Part of the [Law Commons](#)

Recommended Citation

Randy Lee, *The Immutability of Faith and the Necessity of Action*, 66 Fordham L. Rev. 1455 (1998).
Available at: <https://ir.lawnet.fordham.edu/flr/vol66/iss4/33>

This Article is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Law Review by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

The Immutability of Faith and the Necessity of Action

Cover Page Footnote

Associate Professor of Law, Widener University School of Law - Harrisburg Campus. The author would like to thank Shannon Whitson for her help in the production of this article and Brenda Lee for her editorial assistance.

THE IMMUTABILITY OF FAITH AND THE NECESSITY OF ACTION

Randy Lee*

INTRODUCTION

THE Fordham University School of Law conference, *The Relevance of Religion to a Lawyer's Work* billed itself as an "Interfaith Conference." In an effort to achieve that end, it included participants from "at least six faith traditions, as well as persons who do not identify with any faith tradition."¹ The diversity went even deeper—the conference soon demonstrated that one could have an interfaith conference by inviting only members of any one of the represented traditions.²

Despite the immense diversity represented at the conference, two issues overarched all discussions. Although the conference participants did very meaningful work³ on the "influence religion could have on particular aspects of lawyering,"⁴ the dominant issues quickly became "whether religion should have any influence on a lawyer's work" at all,⁵ and how America can adapt to becoming an increasingly diverse or pluralistic society.⁶ Ironically, discussion of the former issue centered around the need to eliminate, or "bleach out," religious convictions in legal work to downplay our differences, while discussion of the latter began from a premise that our differences now are inevitably apparent. Both issues may well have taken root in Professor Russell G. Pearce's observation that "the role of religion in a lawyer's work implicates similar issues [to those implicated in the debate over the role of religion in the public square] in light of the legal pro-

* Associate Professor of Law, Widener University School of Law - Harrisburg Campus. The author would like to thank Shannon Whitson for her help in the production of this article and Brenda Lee for her editorial assistance.

All scriptural quotations are taken from the New American Bible (1987).

1. Memorandum from Professor Russell G. Pearce, Fordham University School of Law, to Participants of *The Relevance of Religion to a Lawyer's Work: An Interfaith Conference 2* (May 22, 1997) (on file with the *Fordham Law Review*) [hereinafter Conference Memo].

2. Monroe H. Freedman, *Religion Is Not Totally Irrelevant to Legal Ethics*, 66 *Fordham L. Rev.* 1299, 1302-03 (1998). *But see* Howard Lesnick, *The Religious Lawyer in a Pluralist Society*, 66 *Fordham L. Rev.* 1469, 1471-72 (showing that there are "core qualities that religious lawyers share" and that these qualities have implications common for all lawyers, while acknowledging that, within faith traditions, there can be immense diversity in how lawyers incorporate their faith).

3. I am most familiar with and appreciative of the work of the group in *Religious Symbols in the Legal Workplace and the Courts* led by Krista R. John and based on Samuel J. Levine, *Religious Symbols and Religious Garb in the Courtroom: Personal Values and Public Judgments*, 66 *Fordham L. Rev.* 1505 (1998).

4. Conference Memo, *supra* note 1, at 1.

5. *Id.*

6. *See Report of Working Group #1*, 66 *Fordham L. Rev.* 1585, 1587 (1998).

fession's responsibility for the administration of justice in our society."⁷

The remainder of this article will respond to these two issues, according to what I learned from my fellow conference participants. As a Catholic, I necessarily respond from that tradition, but I do so as one influenced by the conference's many seekers of the truth, though travelers of diverse roads. In the end, I found among these people many voices reminding me of the immutability of faith and the need for action.

I. THE IMMUTABILITY OF FAITH

To determine the relevance of religion to a lawyer's work, we must identify what we mean by "religion." Are we, as Dr. Peggy Cantwell would ask, talking about "simply a ritualistic formulation or a philosophical concept," or are we talking about a relationship "which penetrates our lives"?⁸ In a society of differing beliefs, different people will define the word "religion" differently. As John Michael Talbot has stressed, that is "all right,"⁹ but, because of the differing definitions, we must acknowledge that how a particular person defines religion will dictate the relevance that person assigns to religion in a lawyer's work. To paraphrase Jim Jenkins, if religion is the first priority in a lawyer's life—private and professional—its relevance is everything.¹⁰ On the other hand, it is also possible for religion's relevance to be nothing,¹¹ or for that matter almost anything in between.

For the lawyer who operates at the first extreme, one who believes that religion is a relationship that penetrates her life, "bleaching out" one's religion cannot be an option. Some "stains," as the saying goes, simply cannot be removed.¹² Peter and John responded to the Sanhedrin's order not to live their religion: "Whether it is right in the sight of God for us to obey you rather than God, you be the judges. It is impossible for us not to speak about what we have seen and heard."¹³ Similarly, Proverbs discourages its readers from being mindful of the

7. Conference Memo, *supra* note 1, at 2.

8. Peggy T. Cantwell, *The Relevance of Religion to a Lawyer's Work*, 66 *Fordham L. Rev.* 1333, 1333 (1998).

9. John Michael Talbot, *The Fire of God* 154 (1991) ("God loves all people right where they are, and so do we.").

10. James M. Jenkins, *What Does Religion Have to Do With Legal Ethics? A Response to Professor Allegretti*, 66 *Fordham L. Rev.* 1167, 1169 (1998).

11. *Id.*

12. Even though the faith cannot be bleached out of the believer, the God of Abraham has assured that the sin can be so bleached. See *Isaiah* 1:18 ("Though your sins be like scarlet, they may become white as snow."); *Psalms* 51:9 ("Cleanse me with hyssop, that I may be pure; wash me, make me whiter than snow.").

13. *Acts* 4:19-20.

Lord only in some areas of one's life and instructs them to be "[i]n all your ways [] mindful of him, and he will make straight your paths."¹⁴

Thus, some lawyers cannot perceive religion as removable from their professional life.¹⁵ Moreover, many of these lawyers place their faith paramount to their professional calling. The God of Abraham has instructed, "The Lord is our God, the Lord alone! Therefore, you shall love the Lord, your God, with all your heart, and with all your soul, and with all your strength."¹⁶ The Gospel of Matthew stresses that two entities cannot share that level of devotion: "No one can serve two masters. He will either hate one and love the other, or be devoted to one and despise the other. You cannot serve God and mammon."¹⁷ Given such a command to love God first and foremost, some lawyers, in fact, might well believe that the original question should be rephrased to ask not the relevance of religion to the work of a lawyer, but rather to ask the role a legal career can play in one's life of loving their god.¹⁸

None of this means to say that religion must have some role to play in the way the legal community in general thinks about legal practice.¹⁹ On the contrary, if this article dealt with such a "community" at all, it would do so only to suggest that the legal community in gen-

14. *Proverbs* 3:6; see also Rich Mullins, *Screen Door, on Rich Mullins Songs* (Reunion Records 1996) (based on *James* 2:26 ("For just as a body without a spirit is dead, so also faith without works is dead.")).

15. For a particularly evenhanded consideration of the undesirability of bleaching out values, see generally H. Jefferson Powell, *Loyalty to the Law: Politics and the Practice of Public Lawyering in the United States*, 72 *Notre Dame L. Rev.* 78 (1996):

The law is a craft, but woe to the lawyer who builds her life on pride in her skill at her craft. Loyalty to the law as a self-contained system is ultimately destructive, of the lawyer and of the law. It becomes forgetful of the weightier matters of the law: justice, mercy, and faith. It becomes a betrayal of the wider loyalties to which we are summoned, to our brothers and sisters, to God.

Id. at 88.

16. *Deuteronomy* 6:4-5.

17. *Matthew* 6:24.

18. See, e.g., Teresa Stanton Collett, *To Be a Professing Woman*, 27 *Tex. Tech L. Rev.* 1051 (1996):

In first thinking about this essay, I asked myself what it means to be a faith-filled lawyer. I was dissatisfied with this formulation of the question because it reduced all life and experiences to being "a lawyer." To describe myself so narrowly ignores the reality that I can also be described as a wife, a mother, a daughter, or even (by a few) as a pain-in-the-neck. More importantly, to identify myself as "a lawyer" suggests that being a lawyer dominates my concept of self over all the other activities or relationships that comprise my life.

Id. at 1051.

19. That position, however, has been quite eloquently advanced by others. See, e.g., Joseph Allegretti, *Lawyers, Clients, and Covenant: A Religious Perspective on Legal Practice and Ethics*, 66 *Fordham L. Rev.* 1101 (1998) ("[O]ur conceptions of legal ethics and legal practice suffer when we adhere to a secularistic, legalistic, code-dominated mindset. We need to broaden our perspective to make room for religion as well as philosophy and law.").

eral is not the proper forum to decide the role of religion in practice. Although discussion of that issue within the general legal community can enlighten each individual attorney, ultimately each lawyer must decide for herself the role religion is to play in her work. Here it is simply recognized that some lawyers faced with this issue will decide that faith must guide every aspect of their practice of law.²⁰

This latter point is challenging in its own right. To one not predisposed to this way of thinking, it might well seem impossible,²¹ if not crazy,²² to be a person of faith practicing law. How, for example, could a person guided by any favorable notion of religion survive in a profession that sixty per cent of Americans view less than favorably?²³

The answer to that question may lie in the survival rate of lawyers generally. Recent American Bar Association reports indicate that one in five lawyers is dissatisfied with his or her job²⁴ and more than two in five female lawyers are unhappy professionally.²⁵ Professor Joseph Allegretti has noted that, from 1984 to 1990, lawyers' dissatisfaction with their work roughly doubled and that lawyers are now "almost four times more likely than other people to be depressed."²⁶ It is clear from this that the work of a lawyer is taxing on anyone, and it will take its toll, both physically and emotionally, over time.²⁷ The reasons for this are obvious. Lawyers are faced daily with the most

20. Often, this decision will not involve so much a dramatic moment as an approach to the ordinary, day-to-day acts of lawyering. See Thomas D. Morgan, *The Relevance of Religion to a Lawyer's Work—Legal Ethics: A Response to Professor Griffin*, 66 *Fordham L. Rev.* 1313, 1315 (1998); see also Marie-Eugene of the Child Jesus, *Under the Torrent of His Love: Thérèse of Lisieux, A Spiritual Genius* (1995) (emphasizing the importance of putting much love in *little* things). Such decisions, of course, also can have deep consequences of their own with respect to the Bar. See Anver M. Emon, *Negotiating Between Two Convictional Systems*, 66 *Fordham L. Rev.* 1283, 1289-90 (1998); Leslie Griffin, *The Relevance of Religion to a Lawyer's Work: Legal Ethics*, 66 *Fordham L. Rev.* 1253, 1262-63 (1998).

21. Joseph G. Allegretti, *The Lawyer's Calling: Christian Faith and Legal Practice* 1 (1996) ("[My lawyer friends] could not even imagine what it might mean to explore the religious and spiritual dimensions of their work.").

22. 2 *Corinthians* 5:13 ("For if we are out of our minds, it is for God . . ."); Rich Mullins, *Let Mercy Lead*, on Rich Mullins Songs, *supra* note 14 ("If we can reach beyond the wisdom of this age into the foolishness of God, that foolishness will save those who believe. Although their foolish hearts may break, they will find peace.").

23. James Podgers, *Image Problem*, A.B.A. J., Feb. 1994, at 66, 67.

24. Stephanie Benson Goldberg, *One in Five Lawyers Dissatisfied*, A.B.A. J., Oct. 1990, at 36.

25. Debra Cassens Moss, *Lawyer Personality*, A.B.A. J., Feb. 1991, at 34.

26. Allegretti, *supra* note 21, at 2.

27. See Mary Ann Glendon, *A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society* 14 (1994) ("American Lawyers, wealthier and more powerful than their counterparts anywhere else in the world, are in the grip of a great sadness."); see also Monica Bay, *Life, Law, and the Pursuit of Balance*, *Barrister Magazine*, Winter 1994, at 4, ("The dangers [of burn-out, disenfranchised families, and health problems] are so real that the California bar now requires lawyers, as a part of mandatory continuing legal education, to take at least one course every three years on stress and substance abuse.").

important problems in people's lives: the weakness of a marriage, the potential loss of a child, the challenge of a serious accident, the threat of imprisonment or death, the vulnerability of a business, the loss of a job, the protection of a home, the provision for one's future, the challenge to one's rights.

Furthermore, the expectations for lawyers are as overwhelming as these tasks are endless. When the situation seems hopeless, the lawyer must provide hope. When the world seems flawed, the lawyer must provide justice. When the work is complex, the lawyer must provide perfection. When the work is routine, the lawyer must make the client feel special. When the client is objectionable, the lawyer must make the client feel accepted. Our public demands integrity. Our colleagues are paid to combat us. As layer piles upon layer, any lawyer is going to want to scream, "Enough already!"²⁸

Churning in this maelstrom, the secular lawyer may well look at his religious counterpart and wonder, "How can she be distracted by religion at a time like this?"²⁹ The religious lawyer, however, is just as likely to be wondering about her secular counterpart, "How can he not be moved to religion at a time like this?" The truth is whether the tradition be Hindu, Buddhist, Jewish, Christian, Moslem,³⁰ or something else, there will be members of the tradition who believe that all that keeps them afloat is their faith, and that the moment they turned from that faith, they would sink in the legal whirlpool.³¹

To see this all more clearly, we may take the challenges facing lawyers one at a time. "How," for example, "can I, as a lawyer, be expected to bring hope to the hopeless?" To the religious person, the answer begins with being a person of faith oneself. As a Buddhist,

28. Viewers of the film *My Cousin Vinny* (Twentieth Century Fox 1992) may remember here the scene in front of the cabin where Vinny and his girlfriend discuss his case and her future.

29. This is reminiscent of Jesus' apostles demanding of Jesus how he could be sleeping at the front of the boat during a storm. See *Matthew* 8:23-27.

30. Professor Azizah Y. al Hibri of the T.C. Williams School of Law presented a talk at the Fordham Law School Conference, *The Relevance of Religion to a Lawyer's Work* (June 1-3, 1997), demonstrated that very dynamic examples for this paper could have been drawn from practitioners of the Moslem faith.

31. *Matthew* 14:25-31 (Peter walking on the sea with Jesus' help). Professor Timothy W. Floyd comes to this same conclusion in reviewing the works of forty-four lawyers describing the relationship of their faith and their legal practice. See Thomas E. Baker & Timothy W. Floyd, *A Symposium Precis*, 27 *Tex. Tech L. Rev.* 911 (1996). Floyd notes that most of the forty-four lawyers "affirmed that their faith has made them a better lawyer. Many of our authors credited their faith for engendering certain qualities—such as honesty, compassion, courage, humility—that made them better lawyers." Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 *Fordham L. Rev.* 1405, 1411 (1998) [hereinafter Floyd, *The Practice of Law*]. Ironically, while much concern at the Fordham conference centered on whether faith might threaten the practice of law, Floyd also notes that "[a] theme in many of the essays [from Symposium, *Faith and the Law*, 27 *Tex. Tech L. Rev.* 911 (1996)] is a concern that the practice of law poses a threat to the faith." Floyd, *The Practice of Law, supra*, at 1409.

Kinji Kanazawa has responded that this provision of hope flows from following his own path to enlightenment, which involves recognition that "all things are constantly changing" and that one "cannot grow depressed when things are going poorly, because those things will change."³² To the Jew, that provision may come as a function of being a People of the God who created everything from nothing in six days³³ and who, throughout history, has remembered his people so gloriously—people like Daniel, Mordecai, Joseph, Ruth, David, the people of Bethulia, the widow of Zerepath, and even Abraham himself.³⁴ To the Christian, the provision may come from his calling to be the salt and the light of the world,³⁵ to "bring hope and meaning to a world depressed, isolated, and yearning for intimacy."³⁶

Furthermore, Professor Lawrence Hoffman has shown that the commitment to provide justice can come from the spiritual understanding that "[t]he giving of the law is God's most loving act,"³⁷ and thus, from the consequent response that, in our own lawgiving, we can never "abandon the human search for a judge and for justice."³⁸ Similarly, K.L. Seshagiri Rao has shown the call of faith can dictate the walk of integrity:

The Hindu legal practitioner has a great responsibility to uphold the laws of society. His ideals should be truth, justice, and the welfare of society. He should be free from fear and should cultivate a life of honor. He should maintain the ideal of high courage, straight-for-

32. Kinji Kanazawa, *Being a Buddhist and a Lawyer*, 66 *Fordham L. Rev.* 1171, 1172 (1998).

33. *Genesis* 2:1-4.

34. The lives of all of these people reflect the many miraculous turns of events that the God of Abraham has consistently brought forth in the lives of His people. Daniel was carried off as a slave to a foreign land, *Daniel* 1:1-6, and found himself cast into a lion's den, but ultimately he was delivered and glorified. *Daniel* 6. Mordecai was on the verge of execution until God used Esther, Mordecai's foster-daughter, not only to save Mordecai but to empower him. *Esther* 2:7, 8. Joseph was thrown in a pit, sold into slavery, locked in a foreign jail, and forgotten; but the Lord opened the door for him to become one of the most powerful men in the world. *Genesis* 37, 39-41. Ruth went from being a widow gleaning foreign fields to being the great grandmother of Israel's greatest king. *Ruth* 2:1-7, 4:13-17. David became that greatest king but only after years of being unfairly stalked. I *Samuel* 18-II *Samuel* 2. God rescued his people in Bethulia from certain destruction and led them to a great triumph through his faithful servant Judith. *Judith* 8-15. The widow of Zerepath believed herself and her son about to starve before the Lord worked through the prophet Elijah to give her an endless supply of bread. I *Kings* 17:8-16. And even Abraham himself encountered times when he thought his family members were lost or his life had passed him by, and each time, his faith was rewarded and his hope fulfilled. *Genesis* 18-22.

35. *Matthew* 5:13-16.

36. Cantwell, *supra* note 8, at 1336.

37. Lawrence A. Hoffman, *Response to Joseph Allegretti: The Relevance of Religion to a Lawyer's Work*, 66 *Fordham L. Rev.* 1157, 1162, fn. 6 (1998).

38. *Id.* at 1165.

wardness, helpfulness to people, self-control, and self-confidence, and unflinching resistance to injustice and oppression.³⁹

Continuing to work through the challenges, one finds that many religious traditions encourage lawyers of those religions to reach out to each client with a special enthusiasm and to make the client feel special no matter how routine that client's work. The Hindu may derive this from his recognition that real and enduring change comes not from changing laws that modify external behavior but from changing hearts.⁴⁰ Thus, each case presents a unique opportunity to change from within. For the Buddhist, meanwhile, to see any task as routine is to forget the reality of diversity and interdependence.⁴¹ It is to grind the "hearty tossed salad" into a "flat and uninteresting pancake."⁴² As Professor Allegretti points out, some notion of interdependence also fuels the Christian approach,⁴³ to a point where there is the call to respond in each human encounter as though one were serving Jesus, the one who gave His life for all human beings, including the lawyer.⁴⁴ This same call also leads the Christian to seek perfection in each task regardless of its challenge or nature. The Shakers and their classic carpentry work are but one example of this effect.⁴⁵ Mother Teresa also has articulated this point in describing how she and the Missionaries of Charity have been able to accomplish what they have done with the dying and the poorest of the poor:

How do we prove that we love God?

How do we prove that we love Christ with undivided love and chastity?

By giving wholehearted free service to the poorest of the poor.

We believe it is to Jesus.

This thing, if it were not for Jesus, would not be worth doing.

39. K.L. Seshagiri Rao, *Practitioners of Hindu Law: Ancient and Modern*, 66 Fordham L. Rev. 1185, 1190 (1998).

40. *See id.* at 1190-91.

41. Kanazawa, *supra* note 32, at 1173.

42. *Id.* at 1174.

43. Allegretti, *supra* note 19, at 1117. The Buddhist notion of interdependence relates to everything from the smallest atom to the greatest mountain, and thus, is much broader than the Christian notion described by Professor Allegretti. For an additional view of interconnectedness, see Randy Lee, *A Look at God, Feminism, and Tort Law*, 75 Marq. L. Rev. 369, 406-07 (1992) (considering interconnectedness as a function of Paul's exhortation to the Church at Corinth that "[i]f one member suffers, all suffer together; if one member is honored, all rejoice together" (quoting I *Corinthians* 12:26)).

44. Allegretti, *supra* note 19, at 1117 (citing *Matthew* 25:40 ("[W]hatever you did for one of these least brothers of mine, you did for me.)); *see also Colossians* 3:23-24 ("Whatever you do, do from the heart, as for the Lord and not for others, knowing that you will receive from the Lord the due payment of the inheritance; be slaves of the Lord Christ.").

45. *See generally* Edward D. Andrews, *The Community Industries of the Shakers* (1933) (discussing the quality of Shaker workmanship that reflects the Shaker belief that all of their work is a gift to God and must be performed accordingly).

The Minister of Social Welfare is a Hindu gentleman in New Delhi. One day we were talking and he said, "You and I are doing the same social work. But there is a great difference between you and us. We are doing it *for* something and you are doing it *to* somebody."

And I think that is all.

That explains the reason for our work.⁴⁶

We can also address with many religious voices the challenge to accept one's client where she is. The Hindu is reminded of Gandhi's words: "[T]he symbol of a court of justice is a pair of scales held evenly by an impartial and blind but sagacious woman. Fate has purposefully made her blind in order that she may not judge a person from his exterior but from his intrinsic worth."⁴⁷ The Buddhist could abstain from any such judgment in deference to "[a]n unrestricted application of the doctrines of diversity, impermanence, inter-relatedness, and the all-embracing doctrine of interdependency in any judicial case,"⁴⁸ and the consequent recognition that, in the face of those doctrines, any judgment would be fatally simplistic: "There is no case in which one person is solely guilty, liable, or responsible. Any case whatsoever, or any Karmic act whatsoever, involves a hidden series of Karmic acts."⁴⁹

For the Christian, the need for such acceptance comes through commands such as "judge not lest you be judged,"⁵⁰ and "remove the wooden beam from your eye first; then you will see clearly to remove the splinter from your brother's eye."⁵¹ Fuller understanding of these commands may be invited in the words of Cormac Burke:

While a critical appraisal of what is wrong is necessary, it cannot lead us to a negative attitude towards others, but to one of understanding, of affection, of wishing to help. It is important to recall the saying: "Truth can understand error, but error cannot understand truth." We see, we must see where and how (though not always why) people have gone wrong, and pray to be able—not so much through argument and dialectics, but through prayer and sacrifice, example and genuine friendship—gradually to draw them towards the light without expecting them to understand immediately.

46. Mother Teresa, *Words to Love By* 23 (1983).

47. Rao, *supra* note 39, at 1192 (quoting Mohandas K. Gandhi, *An Autobiography: The Story of my Experiments with the Truth* 145 (Mahader Desai, trans., Beacon Press 1957)).

48. Kanazawa, *supra* note 32, at 1174.

49. *Id.*

50. *Matthew* 7:1.

51. *Matthew* 7:5; *see also John* 8:7 ("Let the one among you who is without sin be the first to throw a stone at her.").

We must be prepared for resistance or hostility, but we must not give up.⁵²

Many may see, then, their religion calling them to do precisely what the legal system needs lawyers to do: to provide hope, to seek justice and perfection in their work, and to recognize the uniqueness and respond to the intrinsic worth of each client. Furthermore, one's religion can even call her to do all this in a profession of Rambo-tactics⁵³ where one may well feel the need to hold one's opponent up against a wall just to get his attention.⁵⁴ Living the faith in the face of opposition is nothing new to the religious, and even America's "majority religion"⁵⁵ provides guidance for encountering such opposition. Christians are called to be the first to show respect in a relationship,⁵⁶ and to love their enemies because God loves both the just and the unjust,⁵⁷ because love of one's enemies merits a greater reward in Heaven,⁵⁸ and because such love will prevent one from embracing evil itself.⁵⁹

In all of this, then, one can see that the words or principles of various faiths can support a lawyer in what he may feel called to do in practice. For many lawyers, however, more than words make religion relevant to the lawyer's work. Religion is relevant to their work because, just as Samson's faith did for Samson,⁶⁰ their faith energizes and strengthens them to do the work. To separate such lawyers from their faith is to guarantee failure. As the Jewish prophet Isaiah said:

The Lord is the eternal God,
creator of the ends of the earth.
He does not faint nor grow weary,

52. Cormac Burke, *Seers in a Blind World*, Nazareth Journal, Spring-Summer 1997, at 7. For a practical application of this in a lawyer's life, see Allegretti, *supra* note 21, at 29-32.

53. Patricia L. Rizzo, *Morals for Home, Morals for Office: The Double Ethical Life of a Civil Litigator*, 35 Cath. Law. 79, 95-96 (1992); Thomas L. Shaffer, *The Erastian and Sectarian Arguments in Religiously Affiliated American Law Schools*, 45 Stan. L. Rev. 1859, 1877-78 (1993).

54. Monroe H. Freedman, *The Trouble with Postmodern Zeal*, 38 Wm. & Mary L. Rev. 63, 69 (1996). Such feelings are not without Biblical sympathy, see, e.g., *Psalm* 58, and their originator has acknowledged the influence of his own faith on his practice. See Monroe H. Freedman, *Legal Ethics from a Jewish Perspective*, 27 Tex. Tech L. Rev. 1131 (1996).

55. Despite the majority label, Tom Shaffer has said that even in America Christians are called to be "subversives," Thomas L. Shaffer, *Faith Tends to Subvert Legal Order*, 66 Fordham L. Rev. 1089 (1998), and that seems an inevitable result of being a people called to be in the world but not of the world. *John* 17:6-19. Even Paul, who instructed the faithful to "be subordinate to the higher authorities, for there is no authority except from God," *Romans* 13:1, found himself constantly at odds with such authorities. See *Acts* 16:20-24, 22:30.

56. *Romans* 12:10.

57. *Matthew* 5:44.

58. *Luke* 6:27.

59. *Romans* 12:21.

60. *Judges* 16:17.

and his knowledge is beyond scrutiny.
 He gives strength to the fainting;
 for the weak he makes vigor abound.
 Though young men faint and grow weary,
 and youths stagger and fall,
 They that hope in the Lord will
 renew their strength,
 they will soar as with eagles' wings;
 They will run and not grow weary,
 walk and not grow faint.⁶¹

In the spirit of Theresa of Avilla,⁶² Mother Teresa and the Missionaries of Charity have personalized this belief so that for them the work even ceases to be theirs and becomes God working through them: "I do this because I believe I am doing it for Jesus. I am very sure that this is his work. I am very sure. I am very sure that it is he and not me."⁶³

II. THE NECESSITY OF ACTION

This notion of faith and good works brings us to the second major issue that emerged at the conference: How can society be bound together in the face of religious pluralism.⁶⁴ An event early in the conference demonstrated that the answer to that issue lies in the provision of good works.

My small group was a model of the extent of religious diversity one encounters in America. Among our ranks we had at least three kinds of Jews, one secular and two non; two kinds of Catholics, one secular and one non; a member of the Coptic Orthodox Church; two Moslems, one male and one female; an assortment of Protestants; and some secularists.

In spite of the diversity of our labels,⁶⁵ we were in fact a community; we became one when I accidentally shattered my dinner glass. What

61. *Isaiah* 40:28-31; see also Susan Muto, *Words of Wisdom For Our World: The Precautions and Counsels of St. John of the Cross* 76 (1995):

On our own we would not be able to follow this rigorous way of perfection. What motivates and guides us is the love of God and the longing of our soul for transforming union. God gives us the grace we need to go the distance. Despite the times we are bombarded by the noise of the world, we find the strength to walk the way of the cross.

Id.

62. John Michael Talbot, *St. Theresa's Prayer, on Heart of the Shepherd* (Sparrow Records 1987) ("Christ has no Body now but yours. No hands, no feet on earth but yours. Yours are the eyes through which He looks [with] compassion on this world. Yours are the feet with which He walks to do good. Yours are the hands with which He blesses all the world.").

63. Mother Teresa, *supra* note 46, at 22.

64. See, e.g., *Report of Working Group #1, supra* note 6, at 1587 (1998) (indicating the "importance of an awareness of religious pluralism").

65. In his essay, *Words and Behavior*, Aldous Huxley warns against the deception of depersonalizing individuals through labeling and using such depersonalization to

made us a community at that moment was the actions of the other members of the group in response to my scattering shards of glass around the room. Their response, both literally and figuratively, was cheerfully and warmly to pick up the pieces for me.

The lesson here was that ultimately we will be bound by love in action or we will not be bound at all. No philosophy, plan, program, or commitment to pluralistic ideals can alter that.⁶⁶ As Mother Teresa has put it:

The same loving hand that has created you
has created me.
If he is your Father
he must be my Father also.
We all belong to the same family.
Hindus, Muslims and all peoples are our
brothers and sisters.
They too are the children of God.
Our work among the Hindus proclaims that
God loves them
God has created them
they are my brothers and sisters.
Naturally I would like to give them the joy
of what I believe
but that I cannot do;
only God can.
Faith is a gift of God
but God does not force himself.
Christians, Muslims, Hindus, believers and nonbelievers
have the opportunity with us to do works
of love
have the opportunity with us to share the
joy of loving and come to realize God's
presence.
Hindus become better Hindus.
Catholics become better Catholics.
Muslims become better Muslims.⁶⁷

Although my colleagues at the conference, through their acts of kindness, did not make me a Jew, a Moslem, or a secularist, they did make me their neighbor. In the Christian tradition, we are taught in a parable of Jesus that a neighbor is not a person bound to one by label

facilitate violence. See Aldous Huxley, *Words and Behavior*, in *Collected Essays* 245, 254 (1964).

66. See Richard H. Weisberg, *The Failure of the Word* 178 (1984) ("Time after time in these texts, narrative acts lead to passivity in the face of clear injustice or, worse still, to the creation of injustice itself.").

67. Mother Teresa, *supra* note 46, at 33-34. Mother Teresa's combination of respect for the beliefs of others while still ministering to them through acts of love would not seem to cross the boundary Professor Lesnick would draw for lawyers of religious faith working with clients. See Lesnick, *supra* note 2.

or geography; rather, it is one to whom we reach out with acts of love.⁶⁸ The more people to whom we reach out, the more inclusive our neighborhood.

People often criticize lawyers for tending to make things more complicated than they need to be.⁶⁹ Similarly, at least in my own faith, there is a temptation to try to make the calling of Christ terribly complicated but not that demanding in the end. We must be careful not to let our tendencies and temptations get the best of us. Hearing the words Mother Teresa expressed, I am reminded that my calling is, in reality, terribly demanding but not that complicated.⁷⁰ In the end, I

68. *Luke 10:29-37*:

"And who is my neighbor?" Jesus replied, "A man fell victim to robbers as he went down from Jerusalem to Jericho. They stripped him and beat him and went off leaving him half-dead. A priest happened to be going down that road, but when he saw him, he passed by on the opposite side. Likewise a Levite came to the place, and when he saw him, he passed by on the opposite side. But a Samaritan traveler who came upon him was moved with compassion at the sight. He approached the victim, poured oil and wine over his wounds and bandaged them. Then he lifted him up on his animal, took him to an inn and cared for him. The next day he took out two silver coins and gave them to the innkeeper with the instruction, 'Take care of him. If you spend more than what I have given you, I shall repay you on my way back.' Which of these three, in your opinion, was neighbor to the robber's victim?" He answered, "The one who treated him with mercy." Jesus said to him, "Go and do likewise."

Id. For a fuller discussion of the passage, see Lee, *supra* note 43, at 395-407. This view is not unique to Christians. Jews, for example, might point to the calling of Jonah to save the citizens of Ninevah, traditional enemies of the Jews, as illustrating the same point. See *Jonah 4:11* ("And should I not be concerned over Ninevah, the great city, in which there are more than a hundred and twenty thousand persons who cannot distinguish their right hand from their left, not to mention the many cattle?").

69. Furthermore, even lawyers voice this criticism of law professors. It was, perhaps coincidentally, a "scholar of law" who created the need for the parable defining "neighbor." See *Luke 10:25*.

70. Both Saint John of the Cross and Thomas Merton testify to the truth of this. As Merton said in responding to the writings of Saint John of the Cross:

I would like, by keeping these *Counsels*, to dispose myself for the work God wants to do in me and to which I am now completely consecrated. They are very simple, the *Cautelas*. It is because they are simple that they are difficult. They do not leave you a chance to compromise. And so it probably takes a lifetime to clear away the obstacles they are designed to remove.

Muto, *supra* note 61, at 59 (quoting Thomas Merton, *The Sign of Jonas 40* (1956)). The life of Saint Joseph of Copertino movingly illustrates this same point. Saint Joseph was born in a stable and lived from 1603 to 1663. He was perceived as a terrible student and passed his initial test for the priesthood only because the only question he was asked corresponded to the only answer he knew. He passed his final exam only because the examiner decided not to examine any more candidates just before Joseph's examination was to be administered. Yet, in spite of his lack of knowledge, he was known as one of the wisest and holiest people of his time. See generally Angelo Pastovicchi, *Saint Joseph of Copertino* (1980) ("People flocked to him because of his kindness, and so many attended his Masses that the Church could not contain them." (back cover of book)); *The Reluctant Saint* (Columbia Pictures 1962).

am called to change outcasts into neighbors.⁷¹ To respond to Christ, I must invest less energy worrying about statuses and agendas⁷² and more energy loving people into neighbors. This may well sound intimidating, but as Allegretti has noted, it may also prove to be invaluable:

As I begin to open my heart to my neighbors in need—as I hear their stories and come to know them not as numbing statistics but as people no different than myself—I begin a journey that is not under my direct control but is part of God's loving plan for me. It may lead me in strange and frightening directions. It may upset my entire life. I may never be the same. But along the way I may find myself.⁷³

Mother Teresa had her own conference once. She was invited to a conference on hunger, but she got lost and arrived late. When she did arrive, she found a man lying in front of the hotel hosting the conference. The man was starving to death. Mother Teresa picked him up and took him home. He died in her arms, of hunger.⁷⁴

I'm sure many of the conference participants took home from that conference on hunger a new philosophy, a greater understanding, or an enhanced reputation. Mother Teresa took home a neighbor. If lawyers want to show a pluralistic America how to live together, they too must be prepared to take home neighbors.

71. In the neighbor parable, the hero was a Samaritan, a group with whom the victim Jew normally would not have associated, *John* 4:9, and a group who had spurned Jesus just before his telling of the parable. *Luke* 9:51-56. The dynamic here is not unique to the Christian faith. Within the Hindu tradition, Gandhi dedicated himself to making *neighbors* of India's Untouchables. Rao, *supra* note 39, at 1193.

72. See *Luke* 10:31-32 (Both people of respected status failed to make the man in need a neighbor.).

73. Allegretti, *supra* note 21, at 62-63.

74. Mother Teresa, *supra* note 46, at 24-25; see also Shaffer, *supra* note 55, at 1104-05 fn.23 (indicating the need to extend the same compassion and dignity to our living that we often extend when we bury our dead).

Notes & Observations